

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

MADGE *et al.*

Appl. No.: 10/659,178

Filed: September 9, 2003

For: **Boronic Acid Salts**

Confirmation No.: 7469

Art Unit: 1621

Examiner: VALENROD, Yevgeny

Atty. Docket: 2451.0090006/BJD/GER

**Ninth Supplemental Information Disclosure Statement
Under 37 C.F.R. § 1.97(b)**

Mail Stop Amendment

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on this Ninth Supplemental Information Disclosure Statement are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. This Ninth Supplemental Information Disclosure Statement is a continuation of Applicants' Eighth Supplemental Information Disclosure Statement filed on January 24, 2006, in connection with the above-captioned application.

Copies of documents **FP1-FP2** and **NPL1-NPL4** are submitted. However, in accordance with 37 C.F.R. § 1.98(a)(2), copies of U.S. patent application publications, **US1** to **US4**, cited on the attached IDS Form, PTO/SB/08A, are not submitted. In addition, copies of documents **NPL5** to **NPL6** are not provided in accordance with the U.S. Patent and Trademark Office OG notice of October 19, 2004, which states: "the requirement in 37 C.F.R. § 1.98(a)(2)(iii) for a legible copy of the specification, including the claims, and drawings of each cited pending U.S. patent application (or

portion of the application which caused it to be listed) is sua sponte waived where the cited pending application is stored in the USPTO's IFW system."

In accordance with the recent Federal Circuit decision in *Dayco Prods., Inc. v. Total Containment, Inc.* 329 F.3d 1358 (Fed. Cir. 2003), Applicants submit herewith Office Actions from:

the related co-pending U.S. Patent Application No. 10/937,181 as Document **NPL1**; and

the related co-pending U.S. Patent Application No. 10/658,971 as Documents **NPL2-NPL4**.

The Examiner's attention is directed to the following co-pending U.S. Patent Applications, which are directed to related technical subject matter:

Application No. 10/591,962, inventors Patrick, G.M., *et al.*, filed September 8, 2006, listed as document **NPL5**, which entered the U.S. national phase from international Application No. PCT/GB2005/000907, which published as WO 2005/084685 A2, listed as document **FP1**;

Application No. 10/592,265, inventors Combe-Marzelle, S.M., *et al.*, filed March 9, 2005, listed as document **NPL6**, which entered the U.S. national phase from international Application No. PCT/GB2005/000908, which published as WO 2005/084686 A2, listed as document **FP2**.

The identification of these U.S. Patent Applications is not to be construed as a waiver of secrecy as to those applications now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited applications and the art cited therein during examination.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

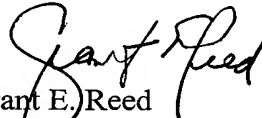
This Information Disclosure Statement is being filed before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.

It is respectfully requested that the Examiner indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Date: 9/18/07

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Substitute for form 1449/PTO				<i>Complete if Known</i>	
NINTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number	10/659,178
				Filing Date	September 9, 2003
				First Named Inventor	MADGE, David Jonathan
				Art Unit	1621
				Examiner Name	VALENROD, Yvgeny
				Attorney Docket Number	2451.0090006/BJD/GER
Sheet	1	of	1		

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Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Substitute for form 1449/PTO NINTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/659,178
				Filing Date	September 9, 2003
				First Named Inventor	MADGE, David Jonathan
				Art Unit	1621
				Examiner Name	VALENROD, Yevgeny
Sheet	1	of	1	Attorney Docket Number	2451.0090006/BJD/GER

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
	NPL1	Copy of Office Action mailed on August 9, 2007 in United States Patent Application No. 10/937,181, Walter, A., <i>et al.</i> , filed September 9, 2004	
	NPL2	Copy of Office Action mailed on January 25, 2007 in United States Patent Application No. 10/658,971, Madge, D.J., <i>et al.</i> , filed September 9, 2003	
	NPL3	Copy of Office Action mailed on July 25, 2006 in United States Patent Application No. 10/658,971, Madge, D.J., <i>et al.</i> , filed September 9, 2003	
	NPL4	Copy of Advisory Action mailed on May 10, 2007 in United States Patent Application No. 10/658,971, Madge, D.J., <i>et al.</i> , filed September 9, 2003	
	NPL5	Co-pending U.S. Application No. 10/591,962, inventors Patrick <i>et al.</i> , filed September 8, 2006 (NOT PUBLISHED)	
	NPL6	Co-pending U.S. Application No. 10/592,265, inventors Combe-Marzelle <i>et al.</i> , filed March 9, 2005 (NOT PUBLISHED)	

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Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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